

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/29/86-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa, dated 25th July, 1963 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'C' and 'D', Non-Ministerial, Non-Gazetted posts in the Office of the Inspector General of Police under the Government of Goa, Daman and Diu, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Office of Inspector General of Police, Group 'C' and 'D', Non-Ministerial, Non-Gazetted posts Recruitment Rules, 1986.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.* — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gounekar, Under Secretary (Personnel).

Panaji, 19th September, 1986.

SCHEDULE

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Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Police Inspector (Radio Mechanic)	1 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 550-25-750-EB-30-900	Selection	N. A.	N. A.	N. A.	Two years	By promotion failing which by transfer on deputation.	<p>Promotion: Police Sub-Inspector (Radio Mechanic) with at least 5 years regular service in the Grade and having qualified as Radio Technicians' Grade-I.</p> <p>Transfer on deputation: Officers holding analogous posts in the Central/State Government and U. T. Administration.</p> <p>(Period of deputation shall ordinarily not exceed three years).</p>	Group 'C' D.P.C.	N. A.
Police Sub-Inspector (Cipher)	1 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 380-12-440-EB-15-560-EB-20-640.	Selection	N. A.	N. A.	N. A.	Two years	By promotion failing which by transfer on deputation.	<p>Promotion: Assistant Sub-Inspectors, (Wireless Operators), (Engine Mechanic), (Radio Mechanic), and (Cipher) with 3 years regular service in the respective Grade and who have passed Cipher Operator Grade II examination conducted by the Directorate of Co-ordination (Police Wireless).</p> <p>Transfer on deputation: Persons holding analogous posts in the Central/State Government and U. T. Administration.</p> <p>(Period of deputation shall ordinarily not exceed three years).</p>	Group 'C' D.P.C.	N. A.

Assistant Sub-Inspector (Radio Mechanic)	2 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 380-12-500-EB-15-560	Selection	Not exceeding 30 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	Essential: i) S.S.C. or equivalent. ii) I.T.I. Certificate in Radio Mechanic. Desirable: i) At least one year experience in the line or a Establishment or a reputed firm. ii) Knowledge of Konkani and/or Marathi or Gujarati.	N. A.	Two years	By promotion failing which by transfer on deputation failing both by direct recruitment.	Promotion: Head Constables (Radio Telephony Operators), (Engine Mechanic), (Cipher) and Carpenter-with proficiency in English) who have completed Grade II. of Radio Technician's Course conducted by D.C.P.w. and having 3 years regular service in the respective Grade. Transfer on deputation: Persons holding analogous posts in the Central/State Government and U. T. Administration. (Period of deputation shall ordinarily not exceed three years).	Group 'C' D.P.C.	N. A.
Assistant Sub-Inspector (Cipher)	3 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 380-12-500-EB-15-560	Selection	N. A.	N. A.	N. A.	Two years	By promotion failing which by transfer on deputation.	Promotion: Head Constables (Radio Telephony Operators), (Engine Mechanic), (Cipher) with 3 years regular service in the Grade and who have passed Basic Cipher Operators Course examination conducted by Directorate of Coordination Police Wireless. Transfer on deputation: Persons holding analogous posts in the Central/State Government and U. T. Administration. (Period of deputation shall ordinarily not exceed three years).	Group 'C' D.P.C.	N. A.
Head Constable (Engine Mechanic)	1 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 260-6-326-EB-8-350	Selection	N. A.	N. A.	N. A.	Two years	By promotion.	Promotion: Group 'D' Employees of the Wireless Branch of the Department with minimum 3 years regular service in the Grade and preferably having practical knowledge in maintenance of small diesel/petrol engines and/or electrical fittings/minor radio repairs.	Group 'C' D.P.C.	N. A.

1	2	3	4	5	6	7	8	9	10	11	12	13
Head Constable (Carpenter)	1 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 260-6-326-EB-8-350	Selection	Not exceeding 30 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<p><i>Essential:</i> I.T.I. Certificate in the relevant trade from a recognised Institute.</p> <p>OR</p> <p>VIIIth Std. or equivalent with 3 years professional experience.</p> <p><i>Desirable:</i> i) One year professional experience (for candidates possessing I.T.I. Certificate). ii) Knowledge of Konkani and/or Marathi or Gujarati.</p>	Age: No. E.Q. Yes.	Two years	Promotion failing which by direct recruitment.	<i>Promotion:</i> Group 'D' employees of the Department with 5 years experience in the trade.	Group 'C' D.P.C.	N. A.
Police Constable (Wireless Store Hand)	1 (1986) Subject to variation dependent on work-load.	Group 'D' (Non-Ministerial, Non-Gazetted)	Rs. 210-4-250-EB-5-270	Selection	N. A.	N. A.	N. A.	Two years	By promotion.	<i>Promotion:</i> Wireless Messenger having proficiency in English preferably with S.S.C.E. or equivalent with 3 years regular service in the grade.	Group 'D' D.P.C.	N. A.
Police Constable (Mast Lusker)	1 (1986) Subject to variation dependent on work-load.	Group 'D' (Non-Ministerial, Non-Gazetted)	Rs. 210-4-250-EB-5-270	Selection	18 to 22 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<p><i>Essential:</i> 1) S.S.C.E. or equivalent. 2) should be able to climb trees, masts upto 75 mts. (250 ft.). 3) should be conversant with the use of tools/implements and assembling and erection of latticed/wooden or steel masts, preferably having practical experience in the trade.</p> <p><i>Desirable:</i> Knowledge of Konkani and/or Marathi or Gujarati.</p>	N. A.	Two years	By direct recruitment.	N. A.	Group 'D' D.P.C. (For considering confirmation).	N. A.
Head Constable (Cipher)	3 (1986) Subject to variation dependent on work-load.	Group 'C' (Non-Ministerial, Non-Gazetted)	Rs. 260-6-326-EB-8-350	Selection	N. A.	N. A.	N. A.	Two years subject to passing basic cipher course conducted by D.C.P.W.	Promotion.	Group 'D' employees of the Wireless Branch of the Department with minimum 3 years regular service in the Grade and having proficiency in English.	Group 'C' D.P.C.	N. A.

Law Department
Legal Affairs Branch

Notification

The Central Excises and Salt (Amendment) Act, 1985 (No. 79 of 1985); The Customs (Amendment) Act, 1985, (No. 80 of 1985) and The Banking Laws (Amendment) Act, 1985 (No. 81 of 1985) which were passed by the Parliament and assented to by the President of India on the 27th December, 1985 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 27-12-1985, are hereby republished for the general information.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 2nd May, 1986.

The Central Excises and Salt (Amendment) Act, 1985

AN

ACT

further to amend the Central Excises and Salt Act, 1944.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Central Excises and Salt (Amendment) Act, 1985.

2. *Insertion of new section 9AA.*— In the Central Excises and Salt Act, 1944 1 of 1944. (hereinafter referred to as the principal Act), after section 9A, the following section shall be inserted, namely:—

‘9AA. *Offences by Companies.*— (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.’

3. *Amendment of section 11A.*— In section 11A of the principal Act,—

(a) in sub-section (1), in the proviso, for the words “as if”, the words ‘as if for the words “Central Excise Officer”, the words “Collector of Central Excise”, and’ shall be substituted;

(b) in sub-section (2), for the words “The Assistant Collector of Central Excise”, the words “The Assistant Collector of Central Excise or, as the case may be, the Collector of Central Excise” shall be substituted.

4. *Insertion of new section 12A.*— In Chapter III of the principal Act, before section 13, the following section shall be inserted, namely:—

“12A. *Powers of Central Excise Officers.*— (1) A Central Excise Officer may exercise the powers and discharge the duties conferred or imposed under this Act on any other Central Excise Officer who is subordinate to him.

(2) Notwithstanding anything contained in sub-section (1), the Collector of Central Excise (Appeals) shall not exercise the powers and discharge the duties conferred or imposed on a Central Excise Officer other than those specified in section 14 or Chapter VIA.”

5. *Amendment of section 35D.*— In section 35D of the principal Act, in sub-section (2), for the words “three members”, the words “two members” shall be substituted.

6. *Amendment of section 37.*— In section 37 of the principal Act, in sub-section (2), after clause (xii), the following clause shall be inserted, namely:—

“(xiii) provide for the charging of fees for the examination of excisable goods intended for export out of India and for rendering any other service by a Central Excise Officer under this Act or the rules made thereunder.”

7. *Insertion of new sections 37B and 37C.*— After section 37A of the principal Act, the following sections shall be inserted, namely:—

“37B. *Instructions to Central Excise Officers.*— The Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963 may, if it considers it necessary or expedient so to do for the purpose of uniformity in the classification of excisable goods or with respect to levy of duties of excise on such goods, issue

such orders, instructions and directions to the Central Excise Officers as it may deem fit, and such officers and all other persons employed in the execution of this Act shall observe and follow such orders, instructions and directions of the said Board:

Provided that no such orders, instructions or directions shall be issued—

(a) so as to require any Central Excise Officer to make a particular assessment or to dispose of a particular case in a particular manner; or

(b) so as to interfere with the discretion of the Collector of Central Excise (Appeals) in the exercise of his appellate functions.

37C. Service of decisions, orders, summons, etc.

— (1) Any decision or order passed or any summons or notices issued under this Act or the rules made thereunder, shall be served,—

(a) by tendering the decision, order, summons or notice, or sending it by registered post with acknowledgment due, to the person for whom it is intended or his authorised agent, if any;

(b) if the decision, order, summons or notice cannot be served in the manner provided in clause (a), by affixing a copy thereof to some conspicuous part of the factory or warehouse or other place of business or usual place of residence of the person for whom such decision, order, summons or notice, as the case may be, is intended;

(c) if the decision, order, summons or notice cannot be served in the manner provided in clauses (a) and (b), by affixing a copy thereof on the notice board of the officer or authority who or which passed such decision or order or issued such summons or notice.

(2) Every decision or order passed or any summons or notice issued under this Act or the rules made thereunder, shall be deemed to have been served on the date on which the decision, order, summons or notice is tendered or delivered by post or a copy thereof is affixed in the manner provided in sub-section (1)."

8. *Transfer of certain pending proceedings.*— Every proceeding under the proviso to sub-section (1) of section 11A of the principal Act, which is pending immediately before the commencement of this Act before an Assistant Collector of Central Excise and any matter arising out of, or connected with, such proceeding and which is so pending shall stand transferred on such commencement to the Collector of Central Excise who may proceed with such proceeding or matter from the stage at which it was on such commencement or from any earlier stage as he may deem fit:

Provided that any party to the proceeding or matter may demand that before proceeding further with the proceeding or matter, he may be re-heard.

The Customs (Amendment) Act, 1985

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ACT

further to amend the Customs Act, 1962.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Customs (Amendment) Act, 1985.

2. *Amendment of section 20.*— In section 20 of the Customs Act, 1962 (hereinafter referred to as the principal Act), in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that if the Central Government is satisfied that it is necessary in the public interest so to do, it may, by order in each case, extend the aforesaid period of three years for such further period as it may deem fit."

3. *Amendment of section 28.*— In section 28 of the principal Act,—

(a) in sub-section (1), in the proviso, for the words "as if", the words "as if for the words "proper officer", the words "Collector of Customs", and' shall be substituted;

(b) in sub-section (2), after the words "Assistant Collector of Customs", the words "or the Collector of Customs, as the case may be" shall be inserted.

4. *Amendment of section 48.*— In section 48 of the principal Act, for the words "within two months", the words "within forty-five days" shall be substituted.

5. *Amendment of section 61.*— In section 61 of the principal Act, in sub-section (1), for clause (a), the following shall be substituted, namely:—

"(a) in the case of—

(i) non-consumable stores; or

(ii) goods intended for supply to a foreign diplomatic mission; or

(iii) goods intended for use in any manufacturing process or other operations in accordance with the provisions of section 65; or

(iv) goods intended for use in any hundred per cent. export oriented undertaking; or

(v) goods which the Central Government may, if it is satisfied that it is necessary or expedient so to do, by notification in the Official Gazette, specify for the purposes of this clause, till the expiry of one year.

Explanation.— For the purposes of sub-clause (iv), "hundred per cent. export-oriented undertaking" has the same meaning as in *Explanation 2* to sub-section (1) of section 3 of the Central Excises and Salt Act, 1944;".

6. *Amendment of section 74.*—In section 74 of the principal Act, in sub-section (1), in the opening paragraph, for the portion beginning with the words “any duty has been paid” and ending with the words “be re-paid as drawback, if—”, the following shall be substituted, namely:—

“any duty has been paid on importation,—

(i) are entered for export and the proper officer makes an order permitting clearance and loading of the goods for exportation under section 51; or

(ii) are to be exported as baggage and the owner of such baggage, for the purpose of clearing it, makes a declaration of its contents to the proper officer under section 77 (which declaration shall be deemed to be an entry for export for the purposes of this section) and such officer makes an order permitting clearance of the goods for exportation, or

(iii) are entered for export by post under section 82 and the proper officer makes an order permitting clearance of the goods for exportation,

ninety-eight per cent. of such duty shall, except as otherwise hereinafter provided, the re-paid as drawback, if—”.

7. *Amendment of section 75.*—In section 75 of the principal Act, in sub-section (1), after the words “proper officer”, the words “or being goods entered for export by post under section 82 and in respect of which an order permitting clearance for exportation has been made by the proper officer” shall be inserted and shall be deemed to have been inserted with effect from the 13th day of May, 1983.

8. *Amendment of section 110.*—In section 110 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) The Central Government may, having regard to the perishable or hazardous nature of any goods, depreciation in the value of the goods with the passage of time, constraints of storage space for the goods or any other relevant considerations, by notification in the Official Gazette, specify the goods or class of goods which shall, as soon as may be after its seizure under sub-section (1), be disposed of by the proper officer in such manner as the Central Government may, from time to time, determine after following the procedure hereinafter specified.

(1B) Where any goods, being goods specified under sub-section (1A), have been seized by a proper officer under sub-section (1), he shall prepare an inventory of such goods containing such details relating to their description, quality, quantity, mark, numbers, country of origin and other particulars as the proper officer may consider relevant to the identity of the goods in any proceeding under this Act and shall make an application to a Magistrate for the purpose of—

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of the Magistrate, photographs of such goods, and certifying such photographs as true; or

(c) allowing to draw representative samples of such goods, in the presence of the Magistrate, and certifying the correctness of any list of samples so drawn.

(1C) Where an application is made under sub-section (1B), the Magistrate shall, as soon as may be, allow the application.”.

9. *Amendment of section 125.*—In section 125 of the principal Act,—

(a) in sub-section (1), after the words “the owner of the goods”, the words “or, where such owner is not known, the person from whose possession or custody such goods have been seized,” shall be inserted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any fine in lieu of confiscation of goods is imposed under sub-section (1), the owner of such goods or the person referred to in sub-section (1) shall, in addition, be liable to any duty and charges payable in respect of such goods.”.

10. *Amendment of section 129C.*—In section 129C of the principal Act,—

(a) in sub-section (3), for the words “three members”, the words “two members” shall be substituted;

(b) to sub-section (5), the following proviso shall be added, namely:—

“Provided that where the members of a Special Bench are equally divided, the point or points on which they differ shall be decided by the President.”.

11. *Amendment of section 139.*—In section 139 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—For the purposes of this section, “document” includes inventories, photographs and lists certified by a Magistrate under sub-section (1C) of section 110.”.

12. *Insertion of new section 151A.*—After section 151 of the principal Act, the following section shall be inserted, namely:—

“151A. *Instructions to officers of customs.*—The Board may, if it considers it necessary or expedient so to do for the purpose of uniformity in the classification of goods or with respect to the levy of duty thereon, issue such orders, instructions and directions to officers of customs as it may deem fit and such officers of customs and all other persons employed in the execution of this Act shall observe and follow such orders, instructions and directions of the Board:

Provided that no such orders, instructions or directions shall be issued—

(a) so as to require any such officer of customs to make a particular assessment or to dispose of a particular case in a particular manner; or

(b) so as to interfere with the discretion of the Collector of Customs (Appeals) in the exercise of his appellate functions.”

13. *Transfer of certain pending proceedings.*— Every proceeding under the proviso to sub-section (1) of section 28 of the principal Act, which is pending immediately before the commencement of this Act before an Assistant Collector of Customs and any matter arising out of, or connected with, such proceeding and which is so pending, shall stand transferred on such commencement to the Collector of Customs who may proceed with such proceeding or matter from the stage at which it was on such commencement or from any earlier stage as he may deem fit:

Provided that any party to the proceeding or matter may demand that before proceeding further with the proceeding or matter, he may be re-heard.

14. *Validation.*— (1) Any drawback under section 75 of the principal Act on goods exported by post during the period commencing on and from the 13th day of May, 1983 and ending with the date of commencement of this Act shall be deemed to have been validly allowed as if the provisions of the said section, as amended by section 7 of this Act, had been in force at all material times.

(2) Any person whose claim for drawback on goods exported by post under section 75 of the principal Act during the period commencing on and from the 13th day of May, 1983 and ending with the date of commencement of this Act was disallowed on the ground that the principal Act did not provide for any such allowance, may, within ninety days from such commencement, apply to the proper officer for reconsideration of the matter and such proper officer shall decide such claim as if the provisions of section 75 of the principal Act, as amended by section 7 of this Act, had been in force on the date on which such goods were so exported.

The Banking Laws (Amendment) Act, 1985

AN

ACT

further to amend the Reserve Bank of India Act, 1934, the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, the Deposit Insurance and Credit Guarantee Corporation Act, 1961, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Regional Rural Banks Act, 1976, the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, the Export-Import Bank of India Act, 1981 and the National Bank for Agriculture and Rural Development Act, 1981.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Banking Laws (Amendment) Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

CHAPTER II

Amendment to the Reserve Bank of India Act, 1934

2. *Amendment of Act 2 of 1934.*— In section 17 of the Reserve Bank of India Act, 1934, in clause (4A), in the proviso, for the words “ninety per cent. of the paid-up share capital”, the words “twice the paid-up share capital” shall be substituted.

CHAPTER III

Amendment to the State Bank of India Act, 1955

3. *Amendment of Act 23 of 1955.*— In section 40 of the State Bank of India Act, 1955, in sub-section (4), the words “while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions” shall be omitted.

CHAPTER IV

Amendment to the State Bank of India (Subsidiary Banks) Act, 1959

4. *Amendment of Act 38 of 1959.*— In section 43 of the State Bank of India (Subsidiary Banks) Act, 1959, in sub-section (3), the words “while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions” shall be omitted.

CHAPTER V

Amendments to the Deposit Insurance and Credit Guarantee Corporation Act, 1961

5. *Amendment of section 2.*— In section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 47 of 1961 (hereafter in this Chapter referred to as the Deposit Insurance Corporation Act), in clause (g), after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) any amount due on account of any deposit with any insured bank which has been specially exempted in this behalf by the Corporation with the previous approval of the Reserve Bank; or”.

6. *Amendment of section 32.*— In section 32 of the Deposit Insurance Corporation Act, in sub-section (2), the words “, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions” shall be omitted.

CHAPTER VI

Amendments to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970

7. *Amendment of section 3.*—In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 5 of 1970 (hereafter in this Chapter referred to as the Bank Nationalisation Act), after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the paid-up capital of every corresponding new bank constituted under sub-section (1) may from time to time be increased by—

(a) such amounts as the Board of Directors of the corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, transfer from the reserve fund established by such bank to such paid-up capital;

(b) such amounts as the Central Government may, in consultation with the Reserve Bank, contribute to such paid-up capital:

Provided that the paid-up capital of any such bank shall in no case be in excess of rupees one hundred crores.”

8. *Amendment of section 9.*—In section 9 of the Bank Nationalisation Act, in sub-section (2), in clause (a), for the words “fifteen crores”, the words “one hundred crores” shall be substituted.

9. *Amendment of section 10.*—In section 10 of the Bank Nationalisation Act, in sub-section (8), the words “while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions” shall be omitted.

10. *Change of name of United Commercial Bank and consequential amendment of the First Schedule, etc.*—(1) The corresponding new bank known as the “United Commercial Bank” constituted under section 3 of the Bank Nationalisation Act shall be renamed as “UCO Bank”, and accordingly in the First Schedule to the said Act, in column 2, for the words “United Commercial Bank”, the letters and word “UCO Bank” shall be substituted.

(2) The change of name of United Commercial Bank by sub-section (1) shall not affect any rights and obligations of that bank or render defective any legal proceedings by or against it, and any legal proceedings which might have been continued or commenced by or against that bank by its former name may be continued or commenced by or against it by its new name.

CHAPTER VII

Amendment to the Regional Rural Banks Act, 1976

11. *Amendment of Act 21 of 1976.*—Section 20 of the Regional Rural Banks Act, 1976 shall be renumbered as sub-section (1) thereof and after sub-section

(1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) The Central Government shall cause every auditor’s report and report on the working and activities of each Regional Rural Bank to be laid, as soon as may be after they are received, before each House of Parliament.”

CHAPTER VIII

Amendment to the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978

12. *Amendment of Act 21 of 1978.*—In the Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, 1978, Chapter IV shall be omitted.

CHAPTER IX

Amendments to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980

13. *Amendment of section 3.*—In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 [hereafter in this Chapter 40 of 1980. referred to as the Bank (Second) Nationalisation Act], after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the paid-up capital of every corresponding new bank constituted under sub-section (1) may from time to time be increased by—

(a) such amounts as the Board of Directors of the corresponding new bank may, after consultation with the Reserve Bank and with the previous sanction of the Central Government, transfer from the reserve fund established by such bank to such paid-up capital;

(b) such amounts as the Central Government may, in consultation with the Reserve Bank, contribute to such paid-up capital:

Provided that the paid-up capital of any such bank shall in no case be in excess of rupees one hundred crores.”

14. *Amendment of section 9.*—In section 9 of the Bank (Second) Nationalisation Act, in sub-section (2), in clause (a), for the words “fifteen crores”, the words “one hundred crores” shall be substituted.

15. *Amendment of section 10.*—In section 10 of the Bank (Second) Nationalisation Act, in sub-section (8), the words “while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions” shall be omitted.

CHAPTER X

Amendment to the Export-Import Bank of India Act, 1981

16. *Amendment of Act 28 of 1981.*—In section 6 of the Export-Import Bank of India Act, 1981, in sub-section (2), for the words “three years”, the words “five years” shall be substituted.

CHAPTER XI

Amendments to the National Bank for Agriculture and Rural Development Act, 1981

17. *Amendment of section 6.*—In section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (hereafter in this Chapter referred to as the National Bank Act),—

(a) in sub-section (2), the proviso shall be omitted;

(b) in sub-section (3),—

(i) in the opening portion, the words “and the Board” shall be omitted;

(ii) the proviso shall be omitted.

18. *Amendment of section 7.*—In section 7 of the National Bank Act,—

(a) in sub-section (1), the proviso shall be omitted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the term of office of the Chairman at any time before the expiry of the term specified under that sub-section by giving him a notice of not less than three months in writing or three months’ salary and allowances in lieu of such notice.”

Law Department

Legal Affairs Branch

Notification

7-22-86/LA,

The Goa, Daman and Diu Irrigation (Amendment) Act, 1986 (Act 6 of 1986), which was passed by the Legislative Assembly and assented to by the Administrator on 8-10-1986 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 13th October, 1986.

The Goa, Daman and Diu Irrigation (Amendment)

Act, 1986

[Act No. 6 of 1986] [8-10-1986]

AN

ACT

further to amend the Goa, Daman and Diu Irrigation Act, 1973.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Irrigation (Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Goa, Daman and Diu Irrigation Act, 1973 (18 of 1973), in clause (16), for the word “thirty”, the words “five hundred” shall be substituted.

(M. RAGHUCHANDER)

Secretariat,

Panaji, Goa.

Dated 13th October, 1986.

Secretary to the Government of Goa,
Daman and Diu, Law Department
(Legal Affairs)

Notification

7-22-86/LA,

The Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986), which was passed by the Legislative Assembly and assented to by the Administrator on 8-10-1986 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 13th October, 1986.

The Goa, Daman and Diu Electricity Duty Act, 1986

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SCHEDULE

The Goa, Daman and Diu Electricity Duty Act, 1986

(Act No. 7 of 1986) [8-10-1986]

AN

ACT

to provide for the levy of a duty on consumption of electrical energy in the Union territory of Goa, Daman and Diu.

Whereas it is expedient to provide for the levy of a duty on consumption of electrical energy in the Union territory of Goa, Daman and Diu;

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Electricity Duty Act, 1986.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "Chief Electrical Engineer" means the Chief Electrical Engineer of the Government and includes his duly authorised representative;

(b) "Consumer" means the owner or occupier of the premises which are for the time being connected for supply of energy with the distribution system belonging to the Government and in whose name the installation stands registered;

(c) "Department" means the Electricity Department of the Government;

(d) "Duty" means a duty levied on consumption of electrical energy;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "Energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

(g) "licensee" means any person licensed under Part II of the Indian Electricity Act, 1910 (Central Act 9 of 1910), to supply energy and includes any person who has obtained the sanction of the Government under section 28 of that Act, the Central Government or the Government when it is engaged in the business of supplying energy;

(h) "new industrial undertaking" means any industrial undertaking which —

(i) is not formed by the splitting up or the reconstruction of business already in existence; or

(ii) is not formed by transfer to a new business, of a building, machinery or plant previously used for any purpose; and

(iii) which begins or has begun to manufacture or produce articles for the first time on or after the commencement of this Act, or at any time within a period of five years immediately preceding such a commencement;

(i) "Official Gazette" means the Goa, Daman and Diu Government Gazette;

(j) "person" means a person consuming electrical energy;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Schedule" means the Schedule to this Act;

(m) "Union territory" means the Union territory of Goa, Daman and Diu.

3. *Duty on units of energy consumed.* — (1) Subject to the provisions of sub-section (2), there shall be levied and paid to the Government on the units of energy consumed, a duty at the rates specified in the Schedule.

(2) No duty shall be leviable on the units of energy consumed —

(i) by the Government (save in respect of premises used for residential purposes);

(ii) in respect of a hospital, or nursing home or dispensary, each of which when not maintained for private gains;

(iii) where the energy generated is at a voltage not exceeding 100 volts;

(iv) in respect of such industrial or agricultural purposes (other than residential or office purposes) in such areas and subject to such terms and conditions and for such period as the Government may, having regard to the need and conditions of industrial and agricultural development in the areas, by general or special order, specify in that behalf;

Provided that the Government may, either prospectively or retrospectively, by notification in the Official Gazette, exclude —

(a) any areas aforesaid or any part thereof (regard being had to the price of energy prevailing therein and to the state of industrial development thereof); or

(b) any new industrial undertaking, as may be specified in this behalf by the Government in such notification; and thereupon the provision of this clause shall not apply in those areas or part thereof or in relation to such new industrial undertakings.

4. *Payment of duty.* — (1) Every person shall pay the proper duty to the Government at such time and in such manner as may be prescribed.

(2) Where any person fails or neglects to pay the duty, at the time and in the manner as prescribed, the Department may, without prejudice to its right to recover the amount under section 9, deduct such amount of electricity duty from the amount, if any, deposited by the consumer with the Department, after giving not less than seven days' clear notice in writing to such person, cut off the supply of energy to such person; and he may, for that purpose, exercise the power conferred on a licensee by sub-section (1) of section 24 of the Indian Electricity Act, 1910 (Central Act 9 of 1910), for recovery of any charge or sum due in respect of energy generated by such person.

(3) Every person other than a licensee who generates energy for his own use shall pay to the Government at the time and in the manner prescribed, the proper duty payable under this Act on the units of energy consumed by him.

(4) Notwithstanding anything contained in the foregoing sub-sections, where the Department is satisfied that there is a bonafide mistake on the part of a person in paying the proper duty, on account of wrong meter reading or misclassification of consumption falling under any particular part or clause in the Schedule, the Department may, at any time, by order and with prior approval of the Government, waive or write off, with retrospective effect, the recovery of the amount of the duty or any part thereof due at the proper rate and of the amount of interest, if any, payable for delayed payment under section 9.

5. *Person consuming energy, etc. to keep books of account and submit returns.* — Every person who is liable to pay proper duty under sub-section (3) of section 4 shall, save in respect of energy exempt from duty under sub-section (2) of section 3, keep

books of account in the prescribed form and submit to the Department, returns in such form and at such times as may be prescribed, showing the units of energy consumed by him and the amount of the duty payable thereon and recovered or paid by him under section 4.

6. *Power to exempt.*—Subject to such conditions as it may impose, the Government may, if it considers it necessary in the public interest to do so, by notification in the Official Gazette, exempt whether prospectively or retrospectively, the consumption of energy in the whole or any part of the Union territory, in respect of any class of premises or purposes or class of consumers or in respect of energy consumed upto a specified limit, from payment of the whole or any part of the duty payable under this Act.

7. *Inspecting Officer.*—(1) Any Officer of the Electricity Department not below the rank of an Assistant Engineer shall be Inspector for the purposes of this Act.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

8. *Powers of Inspector.*—(1) Subject to the provisions of any rules made by the Government in this behalf, the Inspector may—

(i) require production for inspection of such books and records as may be necessary for ascertaining or verifying the amount of duty leviable under the Act;

(ii) enter and search any premises where energy is, or is believed to be generated and consumed for the purpose of—

(a) verifying the statements made in the books of accounts kept and returns submitted under section 5;

(b) testing the reading of meters;

(c) verifying the particulars required in connection with the levy of electricity duty;

(iii) exercise such other powers and perform such other duties as may be necessary for carrying out the purposes of this Act, or the rules made thereunder.

(2) All searches made under sub-section (1) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

9. *Recoveries.*—Any sum due on account of duty, if not paid at the time and in the manner prescribed, shall be deemed to be in arrears, and thereupon, interest on such sum shall be payable at the rate of 2 per cent per month till such sum is paid; and the sum together with any interest thereon, shall be recoverable either through a civil court or as arrears of land revenue.

10. *Penalties.*—If any person—

(a) fails to keep books of account or to submit returns in accordance with the provisions of section 5 and the rules made in that behalf under section 13; or

(b) contravenes any rule made under the Act; or

(c) wilfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Act,

he shall, on conviction, be punished with fine which may extend to one thousand rupees.

11. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

12. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

13. *Power to make rules.*—(1) The Government may make rules not inconsistent with the provisions of the Act, for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the time and manner of payment of the duty under section 4;

(b) prescribe the form of the books of account to be kept, and the times at which, the form in which and the officers to whom the returns required by section 5 shall be submitted;

(c) prescribe the qualifications of Inspectors under section 7;

(d) prescribe the rules, if any, subject to which the Inspectors may exercise the power under section 8;

(e) provide that installation and the reading of meter and sub-meters;

(f) prescribe the procedure for securing any concession or exemption under the Act;

(g) provide for charging fees for the supply of copies of any documents under the Act;

(h) prescribe the procedure for referring questions to the authority, and for filing an appeal to the Government against any decision of such authority under paragraph II of the Schedule;

(i) provide for giving effect to the provisions of this Act.

(3) All rules made under the Act shall be subject to the condition of previous publication.

14. *Savings.* — For the avoidance of doubt, it is hereby declared that nothing in this Act shall be taken to impose or authorise the imposition of, a tax on the generation and consumption of electricity which is —

(a) generated and consumed by the Government of India; or

(b) generated and consumed in the construction, maintenance or operation of any railway of the Government of India.

SCHEDULE

(See section 3)

PART - A

I.

In respect of —

(i) Private houses, bungalows, clubs, hostels and hospitals run on non-commercial lines; charitable, education and religious institutions, etc. for lights, fans, radios, domestic heatings and other household appliances —

Units consumed per month	Paise/Unit
(a) for first 30 units	5
(b) for next 120 units	8
(c) for balance above 150 units	10

PART - B

In respect of —

Shops, offices, railway-stations, hotels, restaurants, photographic studios, X-Ray installations, laundries, drycleaners, cinemas, theatres, A. I. R. Station and other commercial installations for lights, fans, radios, heating and other appliances—

Units consumed per month	Paise/Unit
(a) for first 30 units	15
(b) for next 120 units	15
(c) for balance above 150 units	15

PART - C

In respect of —

General motive power service.

Units generated and consumed per month	Paise/Unit
All units (for L. T. consumers)	1
All units (for H. T. consumers)	4

PART - D

In respect of —

Poultry, dairy, piggery, pisciculture, etc. for lights, fans, heating and other appliances —

Units consumed per month	Paise/Unit
All units	5

PART - E

In respect of —

Irrigation pumping and agricultural purposes —

Units consumed per month	Paise/Unit
All units	1

PART - F

In respect of —

Public lighting system including signal system, and park lighting belonging to local authorities such as Municipalities/Panchayats, etc.

Units consumed per month	Paise/Unit
All units	—

PART - G

In respect of —

Temporary supply for exhibitions or entertainments for private gains or for social functions or for any other purpose.

Capacity of generator	Rs./KVA/day
Any capacity	2

II. Where any question arises as to the part or clause in this Schedule under which any consumption of energy falls, or where the energy is consumed for different purposes, what portion of consumption should be governed by such part of clause, the question shall be referred for decision to such authority, as the Government may by notification in the Official Gazette, specify for the whole or any part of the Union territory. The authority after such inquiry as it deems fit shall record its decision.

An appeal shall lie against such decision to the Government, which shall be made within sixty days from the date of the decision.

Where no such appeal is made, the Government may, at any time suo motu, for the purpose of satisfying itself as to the legality or propriety of the decision of the authority, call for and examine the record of the case. If it appears to the Government that any decision so called for, should be modified, annulled or reversed, the Government may, after giving the person affected thereby an opportunity of being heard, pass such order thereon as it thinks just.

The decision recorded by the authority, subject to any appeal to, or revision by the Government, and the order of the Government in appeal or revision shall be final.

(M. RAGHUCHANDER)

Secretariat,
Panaji, Goa.

Secretary to the Government of Goa,
Daman and Diu, Law Department
(Legal Affairs)

Dated 13th October, 1986.